

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION**

**1:06cv28**

**KEVIN ALFORD, Individually; and** )  
**JULIE E. ALFORD, Individually, and as** )  
**Guardian *Ad Litem* for TAMEKA SHERRILL,** )

**Plaintiffs,** )

**Vs.** )

**UNITED STATES OF AMERICA,** )

**Defendant.** )

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**ORDER**

**THIS MATTER** is before the court on plaintiffs' Motion to Resolve Scheduling Conflict. On January 17, 2007, this court conferred with Honorable J. Marlene Hyatt, Senior Superior Court Judge, concerning the apparent scheduling conflict. Judge Hyatt informed this court that her term was a one week term beginning February 13, 2007, and the undersigned notes that this court's term beginning February 13, 2007, is a two week term.<sup>1</sup> Based on discussions with Judge Hyatt, Mr. McLean will, therefore, be released from appearing in this court during the entirety of Judge Hyatt's February 13<sup>th</sup> term to resolve those matters before that honorable court. This two-day matter will be scheduled to commence on February 20, 2007, which is the second week of this court's February 13<sup>th</sup> term.

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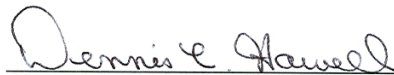
<sup>1</sup> Movants did not note the duration of either term in their motion.

## **ORDER**

**IT IS, THEREFORE, ORDERED** that plaintiffs' Motion to Resolve Scheduling Conflict (#24) is **GRANTED**, Mr. McLean is released from appearing before the undersigned the week of February 13, 2007, and this non-jury matter is scheduled to be tried on February 20, 2007, beginning at 9:30 a.m. in Courtroom No. 2 in Asheville.

The Clerk of this court is respectfully instructed to send a copy of this Order to Honorable J. Marlene Hyatt, Senior Superior Court Judge, P.O. Box 665, Waynesville, N.C. 28786.

Signed: January 17, 2007

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Dennis L. Howell  
United States Magistrate Judge

